

Agricultural Marketing Service, USDA

§ 1124.86

(v) Add together the amounts computed in paragraphs (c)(3)(i) through (iv) of this section and from that sum deduct any payment made pursuant to paragraph (c)(1) of this section.

(d) If a handler has not received full payment from the market administrator pursuant to § 1124.72 by the payment date specified in paragraph (a), (b) or (c) of this section, the handler may reduce pro rata its payments to producers or to the cooperative association (with respect to receipts described in paragraph (b) of this section, prorating the underpayment to the volume of milk received from the cooperative association in proportion to the total milk received from producers by the handler), but not by more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(e) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or to the lawful claimant, as the case may be.

(f) In making payments to producers pursuant to this section, each handler shall furnish each producer, except a producer whose milk was received from a cooperative association handler described in § 1000.9(a) or (c), a supporting statement in a form that may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and payroll number of the producer;

(2) The daily and total pounds, and the month and dates such milk was received from that producer;

(3) The total pounds of butterfat, protein, and other solids contained in the producer's milk;

(4) The minimum rate or rates at which payment to the producer is required pursuant to the order in this part;

(5) The rate used in making payment if the rate is other than the applicable minimum rate;

(6) The amount, or rate per hundred-weight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(7) The net amount of payment to the producer or cooperative association.

[64 FR 47998, Sept. 1, 1999, as amended at 65 FR 82840, Dec. 28, 2000; 68 FR 7069, Feb. 12, 2003]

§ 1124.74 [Reserved]

§ 1124.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in § 1124.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§ 1124.73 and 1000.76.

§ 1124.76 Payments by a handler operating a partially regulated distributing plant.

See § 1000.76.

§ 1124.77 Adjustment of accounts.

See § 1000.77.

§ 1124.78 Charges on overdue accounts.

See § 1000.78.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1124.85 Assessment for order administration.

See § 1000.85.

§ 1124.86 Deduction for marketing services.

See § 1000.86.

PART 1125 [RESERVED]**PART 1126—MILK IN THE
SOUTHWEST MARKETING AREA****Subpart—Order Regulating Handling**

GENERAL PROVISIONS

Sec.

1126.1 General provisions.

DEFINITIONS

- 1126.2 Southwest marketing area.
- 1126.3 Route disposition.
- 1126.4 Plant.
- 1126.5 Distributing plant.
- 1126.6 Supply plant.
- 1126.7 Pool plant.
- 1126.8 Nonpool plant.
- 1126.9 Handler.
- 1126.10 Producer-handler.
- 1126.11 [Reserved]
- 1126.12 Producer.
- 1126.13 Producer milk.
- 1126.14 Other source milk.
- 1126.15 Fluid milk product.
- 1126.16 Fluid cream product.
- 1126.17 [Reserved]
- 1126.18 Cooperative association.
- 1126.19 Commercial food processing establishment.

HANDLER REPORTS

- 1126.30 Reports of receipts and utilization.
- 1126.31 Payroll reports.
- 1126.32 Other reports.

CLASSIFICATION OF MILK

- 1126.40 Classes of utilization.
- 1126.41 [Reserved]
- 1126.42 Classification of transfers and diversions.
- 1126.43 General classification rules.
- 1126.44 Classification of producer milk.
- 1126.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

- 1126.50 Class prices, component prices, and advanced pricing factors.
- 1126.51 Class I differential and price.
- 1126.52 Adjusted Class I differentials.
- 1126.53 Announcement of class prices, component prices, and advanced pricing factors.
- 1126.54 Equivalent price.

PRODUCER PRICE DIFFERENTIAL

- 1126.60 Handler's value of milk.
- 1126.61 Computation of producer price differential.
- 1126.62 Announcement of producer prices.

PAYMENTS FOR MILK

- 1126.70 Producer-settlement fund.
- 1126.71 Payments to the producer-settlement fund.
- 1126.72 Payments from the producer-settlement fund.
- 1126.73 Payments to producers and to cooperative associations.
- 1126.74 [Reserved]
- 1126.75 Plant location adjustments for producer milk and nonpool milk.
- 1126.76 Payments by a handler operating a partially regulated distributing plant.
- 1126.77 Adjustment of accounts.
- 1126.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING
SERVICE DEDUCTION

- 1126.85 Assessment for order administration.
- 1126.86 Deduction for marketing services.

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**Subpart—Order Regulating
Handling**

GENERAL PROVISIONS

§ 1126.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1126. In this part 1126, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

§ 1126.2 Southwest marketing area.

The marketing area means all territory within the bounds of the following states and political subdivisions, including all piers, docks and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions: